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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the matter of)
)
Petition of the Cellular) CC Docket No. 95-116
Telecommunications Industry Association)
for an Extension of Implementation)
Deadline for Wireless Number Portability)

REPLY COMMENTS OF COMCAST CELLULAR COMMUNICATIONS, INC.

Comcast Cellular Communications, Inc. ("Comcast"), by its attorneys, hereby submits its reply comments in response to the Commission's Public Notice in the above-referenced matter.¹ For the reasons described in the Petition, the comments of wireless providers in this proceeding and below, the Commission should grant the petition.

Comcast has a significant interest in this proceeding as both an existing provider of wireless service and as a licensee of D and E Block PCS licenses. Indeed, as a new entrant in the PCS market, Comcast is a purported beneficiary of the number portability rules. Nevertheless, Comcast supports the Petition and, indeed, suggests that the Commission should reevaluate the costs and benefits of imposing any number portability requirement on wireless providers.²

¹Public Notice, "Wireless Telecommunications Bureau Seeks Comment on CTIA Petition for Waiver to Extend the Implementation Deadlines of Wireless Number Portability," DA 97-2579, CC Docket No. 95-116 (rel. Dec. 9, 1997) (the "Public Notice"). The Petition for an Extension of Implementation Deadline will be referred to as the "Petition."

²A petition seeking forbearance from the portability requirement for wireless services already is before the Commission. See Public Notice, "Wireless Telecommunications Bureau Seeks Comment on CTIA Petition Requesting Forbearance from CMRS Number Portability Requirements," DA 98-111, CC Docket No. 95-116 (rel. Jan. 22, 1998).

Contrary to the suggestions of some commenters, there are significant reasons why the wireless industry cannot be expected to meet the deadlines adopted in the Commission's number portability orders.³ There are, in fact, some significant technical issues that have yet to be resolved by the industry and its key vendors. Even if some wireless providers could meet the deadlines, it is impossible for wireless portability to be implemented by some, but not all, providers without creating significant barriers to seamless roaming and without adversely affecting 911 service to roaming customers. At the same time, there is little evidence that wireless consumers want or need number portability, so there also is little reason to attempt to hew to an impossible implementation schedule.

First, it is unlikely that the wireless industry can meet the implementation deadlines set out in the Commission's number portability orders. As the petition described, standards work has not been completed for wireless portability, despite diligent efforts to do so.⁴ These standards are necessary to, among other things, define how the Mobile Identification Number (the "MIN") and the Mobile Directory Number (the "MDN") will be separated under the Location Routing Number ("LRN") methodology for number portability.⁵ Current plans are for standards work to be completed in June, 1998, but it is possible there will be further delays.

³*See Telephone Number Portability*, First Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 8352 (1996).

⁴Petition at 6.

⁵*See, e.g.*, Comments of AT&T Wireless at 2-4. While Omnipoint suggests that this problem already has been solved, Comments of Omnipoint at 4-5, that is not the case for the vast majority of wireless providers.

The difficulty of setting standards has a ripple effect on the deployment of number portability. Until the standards are defined, switch and other equipment vendors will be unable to finalize the necessary changes in the software and hardware in wireless networks.⁶ In practice, this means that many vendors will not be able to provide the first versions of the necessary upgrades to wireless equipment until sometime in 1999. These upgrades will require months of testing and, most likely, revisions before they can be implemented on a wide scale basis. Thus, even assuming the most optimistic schedule, it is highly unlikely that wireless portability could be available generally by the June, 1999 deadline. Indeed, while the extension requested in the Petition might be sufficient under best case scenarios, it would be more prudent for the Commission to adopt a nine-month extension now and reevaluate that decision once standards development is complete.

Moreover, there are significant technical challenges that have yet to be fully addressed. The most important of these challenges is the effect of wireless portability on roaming. The wireless industry has isolated an incompatibility between the IS-41 software used today and portability-compatible IS-41 software. The result of this incompatibility is that "non-portable" switches may be unable to recognize wireless phones from systems that have implemented portability and that "portable" switches will be unable to recognize

⁶While many of the vendors used by wireless providers also make equipment for landline carriers, the development of landline portability software and hardware does not translate directly into equivalent software and hardware for wireless portability. In fact, the availability of wireless portability may be delayed while vendors concentrate on meeting the deadlines for landline portability. In fact, it is now apparent that it will be impossible to meet the landline portability deadlines. See Public Notice, "Common Carrier Bureau Seeks Comment on the NANC Recommendation to Delay Filing of 47 C.F.R. § 52.3(e) Waiver Requests by Individual Carriers for Local Number Portability Phase I Implementation," DA 98-109, CC Docket No. 95-116 (rel. Jan. 21, 1998).

wireless phones from systems that have not implemented portability.⁷ This incompatibility will arise whether or not a particular phone uses a ported number; it arises from differences in the nature of signalling messages used in wireless systems with and without portability.

The effect of this incompatibility will be to potentially eliminate automatic roaming between systems that have implemented portability and those that have not. This would be a significant loss of functionality because automatic roaming is a feature that wireless customers have come to expect and that has played a significant part in the growth of the industry. In fact, calls to and from roamers now constitute in excess of fifteen percent of Comcast's traffic. Thus, it is critical to address and, if possible, correct this incompatibility before wireless portability is introduced.

Another significant concern raised by wireless portability is that it is necessary to avoid incompatibility with 911 operations. Based on current proposals, it is likely that wireless calls to 911 in areas where wireless portability is not available will transmit the MIN, not the MDN, to the PSAP as the calling number. Because the MIN is not the calling number, the PSAP would be unable to call the wireless customer back and, in some cases, could reach a different customer entirely. This issue must be addressed before wireless portability is implemented, not only because it raises questions regarding wireless providers' compliance with the Commission's 911 rules, but because it raises significant public safety issues as well. Moreover, there must be a single resolution which is applied consistently

⁷This incompatibility arises because upgraded switches will expect both an MIN and an MDN to be associated with every phone, while switches that have not been upgraded to provide number portability will be unable to accept the signalling parameters associated with phones from systems that have implemented portability.

throughout the nation to ensure roamer access to enhanced 911 services. The difficulty of resolving these technical issues also makes it more appropriate for the Commission to be cautious and to avoid limiting the extension of the implementation deadline to only nine months.

In practice, the only solution to the roaming and 911 issues described above might be to require nationwide implementation of wireless portability, not just in the 100 largest markets, but in every market simultaneously. This approach would be unreasonably costly for wireless providers and their customers, especially because most of the costs of wireless number portability are unrelated to the size of the provider as they are not associated with network upgrades, but with back office operations, such as billing and provisioning. These costs are relatively fixed and do not scale down as the size of the provider decreases. Consequently, wireless number portability will impose a disproportionate burden on smaller providers and, unlike landline providers, it may be difficult or impossible for wireless providers to purchase portability services from third parties.⁸

It also is important for the Commission to recognize that there is no evidence that there is any need for wireless portability. Wireless services already are subject to intense competition and customers do not hesitate to change providers when they find better prices, better coverage or better service. In fact, better than one in four wireless customers changes providers every year, and this percentage is likely to increase as PCS intensifies existing

⁸For those who underestimate the impact of this concern, consider the typical weekend vacation trip from Washington, D.C. to the West Virginia mountains or west to Utah or Colorado. Under the Commission's current approach, mobile phone service could be lost altogether during such a trip — thereby denying consumers the very benefits they sought to obtain by purchasing mobile service.

wireless competition. The availability of wireless portability will have, at most, only a marginal effect on the willingness of customers to switch providers. Indeed, Comcast does not believe that the availability of portability will have any meaningful effect on the success of its PCS operations. Customers are focused on service price and phone costs, and not on the desire to maintain their phone numbers. While theoretically a benefit to consumers, such benefits are in no way analogous to those of landline portability.

In short, Congress viewed number portability to be an imperative only with respect to the local exchange.⁹ There competition does not exist, and there are still significant economic and other barriers to entry and network development. In contrast, wireless is competitive and is becoming increasingly so. Prices are dropping in all wireless markets and consumers and businesses are adopting the services of new entrants without the benefit of number portability, being driven by service price, phone price and technological choice.

In addition to there being less of a need from a competitive perspective, the costs of adopting number portability for wireless are apparently high. First, adoption at this stage could severely hamper the delivery of enhanced 911 services. Moreover, while the Commission saw fit to limit the scope of its number portability order with respect to bottleneck monopolies by focusing on the top 100 markets, for wireless, which is much less in need, the nation must adopt portability simultaneously. The equation simply does not balance.

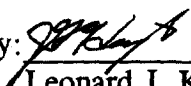
⁹See 47 U.S.C. § 251(b)(2) (number portability an obligation only for local exchange carriers).

This analysis demonstrates that the cost-benefit ratio of wireless portability tilts heavily against enforcing the current implementation deadline and, indeed, against maintaining any portability requirement for wireless providers. The minimal benefits, the potential impacts on roaming and access to 911 and the high costs of portability, especially for smaller wireless providers, all weigh against enforcement of the requirement. In light of these facts, the Commission should, at a minimum, grant CTIA's request for a nine month extension of the deadline for implementation of wireless number portability and should consider seriously whether to eliminate the requirement altogether.

For all these reasons, Comcast Cellular Communications, Inc., respectfully requests that the Commission adopt an order in accordance with these reply comments.

Respectfully submitted,

COMCAST CELLULAR COMMUNICATIONS,
INC.

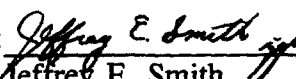
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CERTIFICATE OF SERVICE

I, Vicki Lynne Lyttle, a secretary at Dow, Lohnes & Albertson, PLLC, do hereby certify that on this 26th day of January, 1998, a copy of the foregoing "Reply Comments of Comcast Cellular Communications, Inc." was sent by hand delivery to the following:

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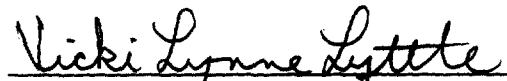
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